

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

MATTHEW G. SILVA,)	CASE NO. C04-1885-JLR-MAT
)	
Plaintiff,)	
)	
v.)	
)	ORDER ON PLAINTIFF'S MOTION
LARRY MAYES, et al.,)	FOR CONTINUANCE AND
)	DISCOVERY SANCTIONS
Defendants.)	

This matter comes before the Court on plaintiff's motion for continuance and discovery sanctions. (Dkt. 70.) Defendants oppose this motion and request attorney's fees for having to respond to plaintiff's motion. Defendants also argue that plaintiff's motion was improperly noted and request that the motion be renoted. Having reviewed the materials submitted by the parties, the Court hereby finds and ORDERS:

(1) Plaintiff's motion for a continuance is GRANTED in part. Plaintiff has requested that the discovery deadline in this case be set for 90 days after the first deposition is conducted in this case. In their response, defendants indicate that they "do not have a problem agreeing to a 30-day continuance." (Dkt. 85, at 4.)

At this time, the Court finds that a 30-day extension of the current deadlines in this case

01 would be appropriate to provide the parties with additional time to complete discovery.¹ The
 02 Court declines plaintiff's request to base the discovery deadline on the date when the first
 03 deposition is conducted. This order is without prejudice to the parties to seek a further
 04 continuance of case deadlines as warranted.

05 Therefore, the deadlines previously set in this case (*see* Dkt. 54) are hereby extended as
 06 follows:

- 07 * All discovery shall be completed by **June 2, 2005**.
- 08 * Any dispositive motion shall be filed and served on or before **July 1, 2005**.
- 09 * Counsel and pro se parties are directed to confer and provide the court with a joint
 10 pretrial statement by no later than **October 3, 2005**.

11 Aside from these date changes, all other directives and requirements set forth in the Court's
 12 previous Order Re: Pretrial Preparations (Dkt. 54) continue to apply.

13 (2) Plaintiff's motion for discovery sanctions is DENIED. It does not appear that
 14 defendants had failed to provide any requested discovery in this case as of the date of plaintiff's
 15 motion; instead, it appears that plaintiff's first discovery requests in this case were filed at
 16 approximately the same time as this motion. To the extent that plaintiff bases his motion on an
 17 alleged failure of defendants' counsel to respond to a letter in early March requesting a conference
 18 in this case, it appears that defendants' counsel indicated that plaintiff should submit such a request
 19 by U.S. mail. Such a response does not constitute sanctionable conduct.

20 However, it appears that plaintiff requested a conference regarding discovery procedures
 21 in this case (as well as C04-1484C) in a letter to defendants' counsel dated March 8, 2005. (Dkt.
 22 71, Ex. C.) The Court regards this as a reasonable request. If such a conference has not already
 23 been arranged, the parties are directed to make such arrangements no later than **May 16, 2005**.

24 (3) The Court DENIES defendants' request for attorney fees for responding to
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26 ¹ To the extent that a 30-day extension of current deadlines would result in a new deadline
 falling on a Saturday or Sunday, the new deadline will be set on the closest weekday.

01 plaintiff's motion.

02 (4) Defendants' request to renege plaintiff's motion is DENIED as moot.

03 (5) The Clerk is directed to send a copy of this Order to plaintiff and to counsel for
04 defendants.

05 DATED this 22nd day of April, 2005.

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07 Mary Alice Theiler
08 United States Magistrate Judge
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